

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

7 JAMES DUFFY, }
8 Plaintiff, } Case No. 2:09-cv-01200-KJD-PAL
9 vs. }
10 BERNARD A. DUFFY, et al., }
11 Defendants. }

**REPORT OF FINDINGS AND
RECOMMENDATION**

13 This matter is before the court on Plaintiff's failure to file an Amended Complaint. On June 30,
14 2009, Plaintiff filed an Application to Proceed *In Forma Pauperis* (Dkt. #1). On August 14, 2009, the
15 court entered an Order (Dkt. #2) screening Plaintiff's complaint pursuant to 28 U.S.C. § 1915 and
16 finding that it failed to state a claim upon which relief could be granted because it did not state a federal
17 claim or allege a basis for federal jurisdiction. The court further directed that Plaintiff's Complaint be
18 dismissed with thirty-day leave to amend, and warned Plaintiff that “[f]ailure to comply with this Order
19 will result in a recommendation to the District Judge that the Complaint be dismissed.” Order at 3:9-
20 10. To date, Plaintiff has not filed an Amended Complaint nor sought an extension of time in which to
21 do so.

Accordingly,

23 **IT IS RECOMMENDED** that this case be dismissed with prejudice for failure to comply with
24 the court's prior Order (Dkt. #2) and failure to assert a federally cognizable claim.

Dated this 21st day of September, 2009.

Peggy A. Leen
PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE